

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SHANNON BASKERVILLE and TABITHA  
BROCK-BETHUNE,

Plaintiffs,

v.

ELMHULT LTD. PARTNERSHIP DBA IKEA,  
a limited partnership; RICHARD BECK, JANE  
DOE BECK and the marital community  
composed thereof; and BOBBYE FOWLER,  
JOHN DOE FOWLER and the marital  
community composed thereof,

Defendants.

NO. CV4-737C

ORDER

This case comes before the Court on Defendants' Motion to Compel Psychological Examinations of Plaintiffs. (Dkt. No. 70.) The Court has carefully reviewed the materials submitted by the parties and hereby finds and rules as follows:

In 2004, Plaintiffs filed suit against Elmhult ("IKEA") and two of its employees under 42 U.S.C. § 1981, alleging racial discrimination. Plaintiffs claim that during a February 9, 2002 visit to the Renton IKEA, defendant employees refused to accept checks from either Plaintiff because they are African-American. They seek damages for economic and physical harm, emotional distress, and humiliation.

According to Federal Rule of Civil Procedure 35(a), the court may order a party to submit to an examination when the mental or physical condition of a party is in controversy. Such an order may be made only on motion for good cause shown. FED. R. CIV. P. 35(a). The good cause requirement of Rule 35(a) requires a greater showing of need to obtain a physical or mental examination of a party than to

1 obtain other forms of discovery. Schlagenhauf v. Holder, 379 U.S. 104, 118 (1964). “In controversy”  
2 and “good cause” are necessarily related. Id. at 118-19. By asserting a claim for emotional distress,  
3 Plaintiffs placed their mental conditions in controversy for the purpose of Rule 35(a). Further,  
4 Defendants demonstrated good cause by showing that a psychological exam is necessary to determine to  
5 what extent the IKEA incident contributed to Plaintiffs’ emotional states.

6 Accordingly, the Court hereby GRANTS Defendants’ motion to compel psychological  
7 examinations of Plaintiffs. Plaintiff Baskerville is directed to submit to a psychiatric examination by Dr.  
8 Roy Clark on June 22, 2005 at 1:00 p.m., and Plaintiff Brock-Bethune is directed to submit to a  
9 psychiatric examination on July 6, 2005 at 1:00 p.m., unless the parties agree to alternative dates and  
10 times.

11 ORDERED this 10th day of June, 2005.

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

A handwritten signature in black ink, appearing to read "John E. Coyle", is written over a horizontal line.

UNITED STATES DISTRICT JUDGE